THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27099 OF 2007

DATED: 20-12-2007

BETWEEN

K. Rajagopal, S/o. Late Kuppaiah,
R/o. Muthukur Village, Chittoor Mandal,
Chittoor District and others.

...PETITIONERS

AND

Government of Andhra Pradesh,
Revenue Department, Secretariat,
Hyderabad, rep. by its Principal
Secretary and others.

...RESPONDENTS

ORDER:

Petitioners submit that their father Late Talari Kuppaiah was assigned an extent of Ac.1.54 cents of land in Sy.No.170/5A situated in Muthukur Village, Chittoor Mandal and District vide DKT.A.M.No.BO/581/4/1370 and since then he was in possession and enjoyment of the said land and he died in the year 1977. After the death of the original assignee, his legal heirs i.e. petitioners cultivated the said land and planted mango trees in the year 1988. While so, the fifth respondent herein filed a suit in O.S.No.1231 of 1998 on the file of the II Additional Junior Civil Judge, Chittoor for declaration of title and injunction against the petitioners claiming that she purchased the said land from the original assignee but the said suit has been dismissed.

2. Petitioners further submit that the fifth respondent obtained title deeds and pattadar passbooks under the Andhra Pradesh Rights in Land

and Pattadar Passbooks Act, 1971. Thereafter, petitioners filed a petition before the Revenue Divisional Officer to cancel the said title deeds and pattadar passbooks and the RDO while exercising powers under the provisions of the Andhra Pradesh Assigned Lands (Prevention of Attrocities) Act, 1977 (for short 'the Act') vide orders in Roc.E/3170/2002 dated 03.02.2006 held that the sale of the assigned land by the original assignee i.e. father of the petitioners in 1973 is in violation of sub-section (1) of Section 3 of the Act and the title deeds and pattadar passbooks issued in favour of fifth respondent were cancelled and the Mandal Revenue Officer was directed to resume the said land and handover the same to the legal heirs of the original assignee.

3. Aggrieved by the orders of the Revenue Divisional Officer the fifth respondent filed a revision before the Joint Collector.

In fact, an appeal lies against the original order passed by the RDO before the Joint Collector but the Joint Collector while considering the revision by order dated 09.05.2007 confirmed the order of the RDO insofar as it relates to cancellation of title deeds and pattadar passbooks issued in favour of fifth respondent but set aside the order insofar as the direction to the MRO to resume the land and hand over the same to the legal heirs of the original assignee is concerned and directed to assign the said land in favour of landless poor.

Aggrieved by the said order the petitioners filed a revision before the Government/first respondent on 20.08.2007 along with an application for grant of stay.

4. As the revision is maintainable under Section 4-B of the Act against the appellate order of the Joint Collector and as the revisional order has been passed by the Joint Collector, I deem it fit and appropriate to direct the first respondent to consider and dispose the revision itself filed against the order

of the Joint Collector dated 09.05.2007.

5. Having regard to the facts and circumstances of the case, the first respondent is directed to consider and dispose the revision filed against the order of the Joint Collector, after giving reasonable opportunity to the petitioners as well as the fifth respondent and pending disposal of the revision status quo with regard to the possession as well as with regard to the entries in the revenue records shall be maintained.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

December 20, 2007
DSK